



# THE HINES LAW FIRM

Personal Injury • Workers' Compensation



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The Hines Law Firm  
Personal Injury  
Workers' Compensation

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## Our Martindale-Hubbell rating

The Hines Law Firm has earned an AV rating in the *Martindale-Hubbell® Law Directory* for our legal capabilities and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

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## Referrals

Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.

## OUR NEW NEWSLETTER!

We're sending our new newsletter to you because we care about your family's security and well-being.

In each issue, we'll give you information to help keep you and your family safe and healthy. Our newsletter will suggest protective steps to reduce the chances of harm or injury in your car, at home, at work, at school, or at play. We'll also update you about legal issues and cases you'll find helpful and which can improve everyday living.

Should you or a loved one suffer personal injury—and find you need us—you'll learn a lot here about what your legal options and remedies may be.

We hope you enjoy this newsletter. We have prepared it with the same personal and professional touches that you feel when you visit our practice. We also thank those who ask us to represent their legal needs and those who recommend us to others. We hope you'll share this information with friends and neighbors.

## Workers' compensation fraud The rest of the story...

Viewers watching television exposés get the idea that American workers are defrauding employers out of millions of dollars in phony injury claims lawsuits.

It turns out, however, that although claimant fraud may occasionally occur, it is greatly exaggerated. What isn't reported, though, is *employer fraud*. That's when employers reduce workers' compensation premiums by underreporting payroll or classifying real employees as independent contractors. Employers also disguise employees' work placing them in different job categories or underestimating new hires.

Then there's also *medical provider fraud*. These are schemes that involve billing for services never performed, referring patients to clinics or labs owned by the doctor's practice or the health plan, or billing for more expensive treatment than has actually been performed. Provider fraud may also include billing one treatment as several, invoicing for

more expensive materials than actually used in treatment, and dozens of other clever rackets.

The unfair stress on claimant fraud makes workers with legitimate injuries afraid to file claims and seek the fair compensation due to them. Employers sometimes fire injured workers or offer them positions at much lower salaries to avoid submitting claims.

### What you can do

If you have been injured on the job, have lost wages, had insurance deny a claim, lost a claim case, or aren't sure workers' compensation covers your situation, call us. We'll go over the basic facts with you, help you decide if you have a case, and then represent you if you do.



Visit our Web site at [www.hineslawfirm.com](http://www.hineslawfirm.com)



## ARE YOU LOSING IMPORTANT LEGAL RIGHTS?

Friends, colleagues, or relatives sometimes ask us, “Do trial attorneys think that Americans are losing important rights because of pressures to change our justice system?”

Our answer is yes. Trial lawyers wholeheartedly recommend and support every opportunity to make changes that are fair to everyone affected by the law. We support all improvements that will make justice more accessible and effective for individuals and families who are harmed or injured by others’ negligence. Our centuries-old, fair, and impartial civil justice system was originally designed to hold people and organizations accountable when their behaviors breached society’s expectations of how we should treat one another.

But many current legislative and lobbyist

proposals for changing civil justice strive to limit wrongdoer accountability. What these proposals really are, and what trial attorneys deeply oppose, are alterations that masquerade as healthy changes to our justice system, but in actuality diminish or even take away many of our rights.

The most common proposals are those that limit—regardless of the legal facts of the case—compensation that a jury made up of members of a community provides for people who have been injured through no fault of their own. Proponents of these changes strive to remove accountability for harm, most often to the benefit of large companies and their CEOs.

Trial lawyers support our civil justice system as a fundamental check on the power of businesses and governments, and oppose efforts to limit the legal rights of citizens.

## FOR YOUR SAFETY *Recalled product roundup*

Here are some recently recalled products you may have in your home or at work:

✓ **International Comfort Products, LLC**, voluntarily recalled 28,700 Packaged Gas Furnace and Air Conditioning Units that have control boards which can ignite and set fire to nearby flammable materials.

✓ **Target Corp.** has asked consumers to return 176,000 jumbo pencils with sharpeners. When the cover is removed, the sharpener’s razor blade is exposed, and children may fit their fingers into the pencil sharpener hole and cut themselves.

✓ **Hewlett-Packard Company** has recalled 135,000 HP and Compaq Notebook Computer Battery Packs. An internal short can cause battery cells to overheat, melt, char the plastic case, and catch fire.

✓ **A.O. Smith Water Products Company** recalled 5,000 75-Gallon Propane Gas Water Heaters. Soot buildup on burners can pose a fire hazard.

✓ **Pacific Market International, LLC**, has requested that buyers return 45,000 Stanley® thermos bottles with handles that can break and release organic, nontoxic charcoal powder insulation. Consumers who inhale the powder may suffer short-term vision and breathing difficulties.

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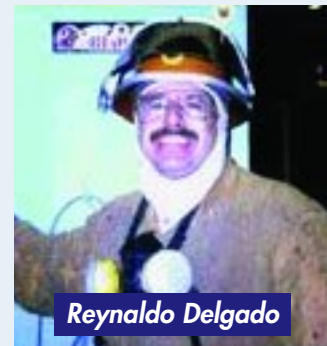
## Lawsuits improve protection for American workers

When corporations put the bottom line ahead of worker health and safety, our civil justice system provides accountability.

Supervisors at Phelps Dodge in New Mexico knew that safely retrieving a ten-foot-tall vessel of molten metal would mean shutting down operations for several hours. Instead, they ordered 33-year-old Reynaldo “Junior” Delgado to drive a flammable vehicle into a pool of molten slag to retrieve the container.

Delgado was burned alive trying to accomplish the totally unnecessary task. Although the company’s actions were negligent enough to meet the state’s test of second-degree murder, supervisors’ management actions did not permit Delgado’s wife, Michelle, to sue outside the state’s workers’ compensation system.

Michelle’s attorney fought her case all the way to New Mexico’s Supreme Court, winning compensation for her family. New Mexico’s workers also can now hold the state’s employers accountable for transgressions outside the state’s workers’ compensation system.



Reynaldo Delgado

## Workers' compensation

Workers' compensation regulations are state-based insurance programs that handle claims from workers who are injured on the job or suffer work-related diseases or illnesses.

Most work injuries are minor, and workers are happy to return to jobs after short recoveries. When an illness or injury is severe, however, an employee may be disappointed by any of three reactions to his or her workers' compensation claim:

- An insurance carrier refuses to grant benefits to which the worker is entitled. Carriers may downplay an illness's seriousness or contend there was very little injury.
- A doctor declares him or her eligible to return to work even though the employee still feels ill or is hurt. Physicians referred by employers may not have workers' best interests at heart.
- The insurance carrier denies extended benefits or permanent disability benefits even though the worker has suffered a seriously disabling illness or injury.

When sick or injured workers discover that their employers' knowledge of workers' compensation laws puts them at a significant disadvantage, they should seek the counsel of experienced attorneys to obtain fair benefits.

*Please call our office with workers' compensation questions.*

## Jurors safeguard everyone's rights

Juries protect us all. The judge in the second Vioxx® trial in Atlantic City, New Jersey, permitted jurors to submit questions to both defendants and plaintiffs.

The October 2005 trial followed a Texas case in which a jury found drug marketer Merck & Company, Inc., responsible for the death of a patient who took the painkiller Vioxx.

New Jersey Superior Court Judge Carol E. Higbee allowed jurors to seek clarifications from witnesses after plaintiff and defense lawyers finished their questioning. Jurors submitted written questions, some of which Judge Higbee read aloud, to ensure juror anonymity.

Observers noted that jurors demonstrated a commitment to fairness and a willingness to ask challenging questions to help them understand the medical and legal issues involved in their deliberations.

Newspaper reports said that jurors asked questions to settle issues in their minds about potential causes of heart attacks other than Merck's medication.

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## Auto accidents...

### What caused them?

Drivers injured in automobile collisions may sometimes be victims of unseen causes that only attorneys experienced in accident investigation can help identify.

### Truck driver's accident record

A driver suffered multiple leg fractures when a tractor trailer crossed a center median, striking her car head-on. The driver's attorney sued the tractor-trailer driver and his employer for negligence and wantonness in failing to keep a proper lookout and drive safely. When a jury heard that the truck driver had been involved in 11 prior collisions, jurors provided the plaintiff a significant award, plus punitive damages. The parties subsequently settled for a confidential amount.

### Water pooled on roadway

A car slid off a road, then rolled down an embankment. Although the driver survived, his passenger died of severe head injuries. His wife sued a road-repair construction company that had created a dangerous, high-water condition which endangered drivers. Her attorney obtained a confidential settlement after demonstrating that the contractor was allegedly aware of a dangerous water-pooling situation because 18 other auto accidents had occurred at this location during the 24-hour period in which the plaintiff's husband had suffered his injuries.



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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

## Auto accident? Remember 1-2-3-4-5

If you have the misfortune of being involved in an auto accident, remember these five steps:

1. Remain calm and still if you are injured. Wait for medical help.
2. Don't make any admissions or statements about your own involvement in the incident. Anything you say can be used in a jury trial, should it come to that.
3. Get the names, addresses, driver's license numbers, car tag numbers, names of insurance carriers, and policy numbers of others involved in the accident. If you can, obtain information from witnesses.
4. Call the police. When law enforcement officers ask for a statement, be clear and concise. Don't volunteer details that don't matter or may work against you. Write down officers' names and badge numbers.
5. Call your insurance agent as soon as you can, report the accident, and provide him or her with all the information you collected. You'll be advised not to talk to the other people's insurance representatives.

## Auto insurance settlements

Drivers pay a lot for auto insurance and should expect fair treatment from insurers. To receive as fair a settlement as possible after an accident:

- Notify your insurance agent immediately.
- Make detailed notes on everything about the accident.
- Identify information or settlement deadlines and meet them.
- Never sign releases until you are satisfied.
- Document all accident or settlement communications.
- Maintain frequent contact with your agent.
- Consult an attorney if you feel you aren't being treated fairly.

### **Bad faith**

Insurance consumers can turn to our courts and juries when insurers won't pay fair claims. A driver was killed in an accident in which several other drivers were racing. The estate brought a wrongful death action against one of the drivers, whose insurance company refused to settle. When the estate sued, a jury awarded the estate a monetary verdict, plus interest and legal costs, noting that the insurer acted in bad faith by denying the claim without properly investigating it.

## Auto insurance Are you fully covered?

Even responsible drivers who believe they have good auto insurance protection may come to learn that their coverages don't fully protect them in an accident.

**Uninsured motorist coverage** protects you when another driver who is at fault in an automobile collision has no insurance at all. It covers lost wages, medical costs, and other expenses associated with injuries.

**Underinsured motorist coverage** safeguards you if you are injured by a careless driver who has only minimal insurance. Since uninsured motorist coverage doesn't apply, the other driver's minimal liability policy may not cover all of your injuries. Your own policy may not cover injuries, either.

### **Protect yourself and your family**

Obtain sufficient auto coverage for all family drivers. Your auto insurance agent can outline the extent to which your uninsured and underinsured motorist coverages will safeguard your family. If they are inadequate, increase this relatively inexpensive protection.